

MINUTES
CITY PLAN COMMISSION

City Plan Commission, Tuesday, November 29, 2011 at 4:00 P.M. in the Third Floor conference room, City Hall, 828 Center Avenue. Chairperson Mayor Bob Ryan presided.

Present: Mayor Ryan, Jerry Jones, John Van Der Male, Todd Wolf, Ryan Sazama and Ald. Kevin Sampson

Excused: Don Cvetan

Staff present: Steve Sokolowski and Chad Pelishek

Others present: Richard Hammes, Richard Guske, Tim Frey and Joe Jantz

The meeting was called to order and the Pledge of Allegiance was recited.

Approval of minutes of the November 15, 2011 meeting.

John Van Der Male moved, Jerry Jones seconded to approve the minutes of the November 15, 2011 meeting. The motion passed unanimously.

Conditional Use Permit and variance application by Sheboygan Oil Co., Inc. (Richard Guske) to construct a parking lot addition to the Petro Center, 1208 Union Ave.

Richard Hammes and Richard Guske were present to discuss this matter.

Mr. Guske purchased the house to the west of the gas station, requested and received a rezoning and is planning on razing the house to expand the parking lot. Mr. Guske is requesting to reconfigure two parcels of land into one new parcel, construct a new driveway approach and parking lot addition on the newly reconfigured property.

The project consists of adding approximately 2,412 square feet of paving and will be located on the southwest corner of the new reconfigured property. The additional paved area will add three additional parking stalls and will improve on-site circulation for semi-tankers. Currently tanker trucks need to back out into Union Avenue. Mr. Guske is requesting another driveway into Union Avenue for a total of three driveways.

Steve Sokolowski indicated he is recommending denial of granting the third driveway into Union Avenue because the driveway does not meet the requirements of having 10 feet between driveways and may cause confusion and unsafe situations for customers, pedestrians and drivers.

A communication was received from Lori Maki, 2006 South 12th Street indicating there is a problem with garbage and litter blowing in their yard because the dumpsters located on the gas station are not closed. They also indicated the snow plow is damaging their sidewalk.

Commission discussed the complaints regarding litter and snow plowing and the request for three driveways into Union Avenue.

Mr. Guske indicated he will make sure the litter is picked up and dumpsters are kept closed. He will instruct the contractor that plows the snow to keep off the neighbor's sidewalk.

Following discussion, Todd Wolf moved, Jerry seconded to approve with the following conditions:

1. Prior to construction, the applicant shall obtain all necessary permits and licenses including but not limited to building, plumbing, electrical, HVAC, driveway, razing, etc.
2. Submittal and approval of a proposed landscape plan.
3. Submittal and approval of a proposed drainage plan.
4. A six (6) foot high solid fence and/or landscaping will be installed along the north and west property lines adjacent to the residential dwellings. The six (6) foot high solid fence and/or landscaping shall be no higher than four (4) feet high and 50% open for a distance of 20 feet from the Union Avenue property line. Fencing shall be installed per Section 15.720(3)(c) of the City of Sheboygan Zoning Ordinance.
5. Dumpster shall be screened and enclosed and constructed of like materials and colors of the facility. Applicant shall reinstall the gates back onto the enclosure to adequately screen the dumpsters by December 16, 2011. Applicant shall adequately monitor garbage in and around the site.
6. Outdoor storage of materials, products or equipment shall be prohibited.
7. The new ingress/egress access drive on Union Avenue shall be constructed to standard City specifications.
8. Any existing ingress/egress drive that is to be closed or partially closed shall be constructed to standard City specifications (curb, gutter, sidewalk, greenspace, etc.).
9. Applicant will be required to obtain a conditional use/sign permit for any new signage to be installed on the property/store prior to installation.
10. All new lighting shall be installed per Section 15.707 of the City of Sheboygan Zoning Ordinance. There shall be no spillover light onto adjacent properties or the streets.
11. All areas used for parking or maneuvering of vehicles shall be paved.
12. All areas that are not required to be paved shall be landscaped with grass and/or approved landscaping.
13. The applicant shall adequately landscape and/or gravel the single-family dwelling site two (2) weeks after the home has been razed. This site shall be appropriately graded and shall be kept in a dustless condition. Applicant shall immediately clean any and all sediments, materials, tracking, etc. that may be spilled off-site on private or public lands. This site shall not negatively impact surrounding residential properties.
14. There shall be no storage of vehicles, equipment, materials, product, etc. on this former single-family property. This site may only be used as approved when the property is paved and landscaped.

15. The proposed parking lot addition shall be constructed by June 8, 2012. If the parking lot is not completed by June 8, 2012, the applicant will be required to appropriately grass and landscape the site by June 15, 2012.
16. Absolutely no portion of the new parking lot shall cross the property line. Structures, parking lots, landscaping, etc. may cross a property line into to the City of Sheboygan public right-of-way if and only if the applicant obtains the required encroachment. This specifically relates to any portion of the Petro Center parking lot that encroaches into the S.12th Street or Union Avenue City of Sheboygan public rights-of-way.
17. The new access drive flare must be located completely on the Petro Center property (the flare shall not cross a property line).
18. **Prior** to building permit issuance, the applicant shall be required to provide documentation to the Department of City Development that the two (2) parcels have been combined into one (1) parcel as proposed/approved.
19. If there are any amendments to the approved site plan, the applicant will be required to submit a new conditional use application reflecting those amendments.

The following variances were granted:

1. Four (4) foot paving setback to the north and west property lines adjacent to single-family residences where minimum landscape buffer yard requirements of 53 landscape points, 10 foot buffer yard setback and minimum six (6) foot high solid fence.
2. Zero (0) foot paving setback to the south property line adjacent Union Avenue public right-of-way (sidewalk) where a minimum five (5) foot paving setback is required.
3. Permit three (3) driveway cuts along Union Avenue where lots with street frontage exceeding 300 feet may have two (2) access points.
4. Permit a new driveway cut within 10 feet of an existing driveway cut along Union Avenue where the minimum distance between access drives serving the same property shall be 100 feet on 25 mph speed limit posted streets.

The motion passed unanimously.

Conditional Use Permit and variance application by Joseph Jantz to construct new parking on 810 North 14th Street (Tidy Car) and 1418 Wisconsin Avenue (single-family residence).

Joe Jantz was present to review this matter.

Mr. Jantz received a Conditional Use Permit on October 11, 2011 to reconfigure three parcels into two new parcels, construct a new driveway approach and parking lot addition. He paved more area than what he had permission to do and did not meet required setbacks and encroached upon City right-of-way. Therefore, it is necessary to apply for another Conditional Use Permit.

Mr. Jantz was made aware he will be responsible to pay any double fees required for permits for storm drainage and building permits because the work was done without the proper permits. Mr. Jantz was also informed he will need to submit a new storm drainage plan to the City Engineering Department.

Jerry Jones moved, Ryan Sazama seconded to approve with the following conditions:

1. Prior to construction, the applicant shall obtain all necessary permits and licenses including but not limited to building, plumbing, electrical, HVAC, driveway, etc.
2. Departments shall add all penalty fees for completing work prior to obtaining the necessary approvals to do so including but not limited to building permits, encroachments, storm water, etc.
3. Submittal and approval of a proposed landscape plan. Landscaping shall continue in a similar fashion as what has already been planted along the west property line adjacent to the residential dwelling (extend north of existing to south end of new parking lot). Landscaping shall be installed by **June 15, 2012.**
4. Applicant shall work with the City Engineering Department to resubmit a storm drainage plan that accurately reflects all areas that have been paved.
5. Dumpster shall be screened and enclosed and constructed of like materials and colors of the facility. If using chain link fencing, the applicant shall install Privacy Decorative Slating (PDS) material in order to effectively screen and enclose the dumpster. Dumpster shall be completed by **December 16, 2011.**
6. Outdoor storage of materials, products or equipment shall be prohibited.
7. Applicant will be required to obtain a conditional use/sign permit for any new signage to be installed on the property/store prior to installation.
8. All new lighting shall be installed per Section 15.707 of the City of Sheboygan Zoning Ordinance. There shall be no spillover light onto adjacent properties or the streets.
9. All areas used for parking or maneuvering of vehicles shall be paved.
10. All areas that are not required to be paved shall be landscaped with grass and/or approved landscaping.
11. Absolutely no portion of the new parking lot shall cross the property line. Structures, parking lots, landscaping, etc. may cross a property line into to the City of Sheboygan public right-of-way if and only if the applicant obtains the required encroachment. Applicant will need to obtain the necessary encroachment for the portion of the parking lot that has already been paved within the City of Sheboygan N. 15th Street public right-of-way.
12. If an encroachment is not granted for the paving in the N. 15th Street right-of-way, the applicant shall remove this paving by December 16, 2011 and landscaped by June 1, 2012.
13. If there are any amendments to the approved site plan, the applicant will be required to submit a new conditional use application reflecting those amendments.

The following variances were granted for the Tidy Car property at 810 North 14th Street:

1. Zero (0) foot paving setback to the west property line adjacent to the single-family residence where a minimum five (5) foot paving setback is required.
2. Zero (0) foot paving setback to the north property line adjacent to the alley where a minimum five (5) foot paving setback is required.
3. Utilizing off-site, single-family residential parking lot for commercial purposes when required by ordinance for business to have all of their parking on-site and a parking area for a home is to be utilized by people residing in that house.

The following variances were granted for the single-family house at 1418 Wisconsin Avenue:

1. Zero (0) foot paving setback to the west property line adjacent N. 15th St. public right-of-way where a five (5) foot paving setback is required.
2. Zero (0) foot paving setback to the north property line adjacent to the alley where a minimum five (5) foot paving setback is required.

The motion passed unanimously.

Gen. Ord. No. 42-11-12 granting Joseph E. and Kathleen E. Jantz, the privilege of encroaching upon described portions of N. 15th St. located at N. 15th St. and Wisconsin for the purpose of paving a parking lot (1418 Wisconsin Ave.).

This document was held at the last meeting. The encroachment is being requested in conjunction with paving the parking lot and encroaching into portions of North 15th Street. Staff recommended the encroachment be denied.

Following discussion, Todd Wolf moved, Jerry Jones seconded to recommend approval of the encroachment. The motion passed unanimously.

R. O. No. 277-11-12 by City Plan Commission relative to Gen. Ord. No. 43-11-12 and R. O. No. 252-11-12 granting Joseph E. and Kathleen K. Jantz the privilege of encroaching upon described portions of Wisconsin Ave. located at N. 15th St. and Wisconsin Avenue for the purpose of paving a parking lot (810 N. 14th St.).

This document is requesting an encroachment into portions of North 14th Street and Wisconsin Avenue for the construction of a parking lot.

Following discussion, Jerry Jones moved, John Van Der Male seconded to recommend approval of the encroachment. The motion passed unanimously.

Site Plan application by TLC Homes to operate an office facility at 2730 S. Business Drive.

Tim Frey was present to discuss this matter with the Commission.

The applicant is proposing to operate a recruiting and training center office for TLC Homes out of the former Jo To Go building. There will be some minor remodeling done to the building and was approved by the Architectural Review Board at their November 28, 2011 meeting. Mr. Frey he plans on keeping the message center monument sign and will place a sign on the front of the building.

Following due consideration, Ryan Sazama moved, Jerry Jones seconded to approve with the following conditions:

1. Prior to operation/occupancy, the applicant shall obtain all licenses and occupancy permits as well as meet all required codes including but not limited to building, plumbing, electrical, HVAC, fire, health, etc.
2. All new lighting shall be installed per Section 15.707 of the City of Sheboygan Zoning Ordinance. There shall be no spillover light onto adjacent properties or the streets.
3. Applicant shall obtain sign permits prior to the installation of any new signage at the site.
4. All ground level and rooftop mechanicals shall be screened and/or enclosed and constructed of like materials and colors of the facility (HVAC equipment, satellite dishes, etc.).

The motion passed unanimously.

Gen. Ord. No. 48-11-12 rezoning property located at 1426 N. 28th St. from Class SC Suburban Commercial to Class MR-8 Mixed Residential District.

This rezoning is being requested to correct an apparent error that was made when the Zoning Ordinance was adopted in 1996. There has been a house on the property since 1935 and the MR Mixed Residential classification is compatible with this residential neighborhood.

John Van Der Male moved, Ryan Sazama seconded to recommend approval of the rezoning. The motion passed unanimously.

Being no further business, John Van Der Male moved, Jerry Jones seconded to adjourn at 4:55 P.M.

Carol Rudie
Recording Secretary